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FILED
JUL - 2 2008
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

11 UNITED STATES DISTRICT COURT

12 NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

13 PATRICIA C. BARBERA,

14 Plaintiff,

15 v

16 WMC MORTGAGE CORPORATION

17 Defendant,

18 CAL LAND TITLE COMPANY OF MARIN,

19 Defendant,

CASE NO. CV 08-2677 SBA
[Vacate and Remand to Superior Court of
California, County of Marin,
Case No. CV 081763]

PLAINTIFF BARBERA 'S REQUEST
FOR JUDICIAL NOTICE IN SUPPORT
OF THE ADMINISTRATIVE MOTION
TO SHORTEN THE TIME OF THE
HEARING TO DETER
FRAUDULENT ACTIONS; AND TO
NOTICE WRONGFUL REMOVAL
AND TO VACATE THIS CASE AND
REMAND IT TO THE STATE COURT
FROM WHICH IT CAME.

20 SELECT PORTFOLIO SERVICING, INC

21 Defendant.

22 BY FAX

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28 REQUEST FOR JUDICIAL NOTICE

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2 Pursuant to Civil Local Rule 6-3, Plaintiff Patricia C. Barbera submits this Administrative
3 Motion to Shorten the Time of the Hearing to Deter Fraudulent Actions and to Notice Wrongful
4 Removal to Vacate this Case and Remand it to the State Court from Which it Came.

5 This Administrative Motion is submitted on the grounds that good cause exists for this
6 Court to shorten the time to Deter fraudulent actions and to Notice Wrongful Removal to Vacate
7 this Case and Remand it to the State Court from Which it Came.

8 Accordingly, Plaintiff respectfully requests that this Court grant the instant Administrative
9 Motion. This Motion is based on the following Memorandum of Points and Authorities, the
10 Declaration of Patricia C. Barbera, and the Proposed Order filed and lodged concurrently
11 herewith.

INTRODUCTORY STATEMENT

12 On 5/28/08 REEDSMITH filed a Notice of Removal from the Superior Court of Marin
13 County. On that date they knew that their client, WMC MORTGAGE, ***had not answered their***
14 ***summons, and were in default.*** They also knew that they had ***waived their right to litigate in***
15 ***this case.*** Nevertheless, they issued and continue to issue voluminous documents, pleadings and
16 filings which are replete with: ***Contempt of Court, Perjury, and Conspiracy*** violations.

17 They obtained the approval of Select Portfolio Servicing (represented by WRIGHT,
18 FINLAY & ZAK) and Cal Land Title Company of Marin (represented by THE LAW OFFICES
19 OF DANIEL A. GAMER) into joining and issuing tort documents.

20 In the second page of their Notice of Removal of Action, Christopher Rivas and Scott
21 Jacobs assure and lull this Court that the removal is proper:

22 "1. REMOVAL IS PROPER BECAUSE THIS COURT HAS SUBJECT
23 JURISDICTION PURSUANT TO 28 U.S.C. § 1331 AND § 1441"

MEMORANDUM OF POINTS AND AUTHORITIES

REQUEST FOR JUDICIAL NOTICE

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1 A. Procedural and Factual Background.

2 As described more fully in Plaintiffs Notice of Wrongful Removal and Motion for
3 Remand and Vacate, filed in this Court on June 13, 2008, Defendants have, and continue to
4 commit multiple criminal acts against this Court and the Plaintiff.

5 Plaintiff contacted Christopher Rivas by fax and Glenn Kabanuck by phone and received
6 negative responses from both.

7 As a result, Plaintiff has no choice but to file this Administrative Motion to Shorten the
8 Time of the Hearing to Deter Fraudulent Actions and to Notice Wrongful Removal to Vacate this
9 Case and Remand it to the State Court from Which it Came.

10 B. **LEGAL ANALYSIS**

11 CivilLocal Rule 6-3 authorizes this Court to enlarge or shorten time upon the noticed
12 motion of any of the parties, so long as the Motion:

13 (1) Sets forth with particularity, the reasons for the requested enlargement or shortening
14 of time;
15 (2) Describes the efforts the party has made to obtain a stipulation to the time change;
16 (3) Identifies the substantial harm or prejudice that would occur if the Court did not
17 change the time; and

18 * * *

19 (5) Discloses all previous time modifications in the case, whether by stipulation or Court
20 order;

21 (6) Describes the effect the requested time modification would have on the schedule for
22 the case."

23 See Civ. L.R. 6-3

24 Pursuant to the above-referenced requirements in the Civil Local Rule 6-3, Plaintiff states
25 that: (1) That She requires a shorter time for the hearing to deter any more fraudulent actions;
26 (2) Plaintiff contacted Christopher Rivas by fax and Glenn Kabanuck by phone and received
27 negative responses from both; (3) without such shortening, Plaintiff will suffer substantial harm

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28 REQUEST FOR JUDICIAL NOTICE

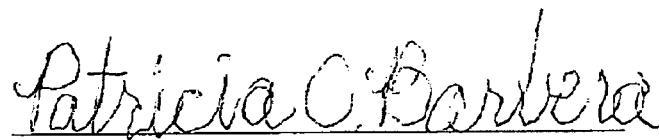
1 and prejudice, on the basis that decisions and orders will occur by an unknowing Court. Plaintiff
2 also notes that the shortening will give the Court a view of the case at the earliest time, and
3 benefit the Public at Large.

4 Further, under Civil Local Rule 6-3, Plaintiff states that: (5) Defendants obtained a Court
5 Order for an extension of time on 06/11/08; (6) the requested shortening will not affect any
6 scheduled hearings, motions or deadlines in this case.

7 **C. CONCLUSION**

8 For the reasons stated above, Plaintiff respectfully request that the Court Grant Plaintiff
9 the Instant Administrative Motion and to Notice Wrongful Removal to Vacate this Case and
10 Remand it to the State Court from Which it Came.

11 DATED: JULY 1, 2008



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13 PATRICIA C. BARBERA
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REQUEST FOR JUDICIAL NOTICE

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2 **CERTIFICATE OF SERVICE**
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5 I am a resident of the State of California, over the age of eighteen years,
6 and not a party to the within action. My address is: 929 Susan Way, Novato,
7 California 94947. On July 1, 2008, I served the following documents by placing
8 them in a sealed envelopes into the UPS Overnight Mail, postage prepaid at the
9 following addresses:

10 **ADMINISTRATIVE MOTION TO SHORTEN THE TIME OF THE HEARING
11 TO DETER FRAUDULENT ACTIONS; DECLARATION; ORDER.**

12 Christopher O. Rivas, Esq.
13 Scott H. Jacobs, Esq.
14 355 S. Grand Avenue, Suite 2900
15 Los Angeles, CA 90071

16 Glenn D. Kabanuck, Esq.
17 Law Office of Daniel A
18 Gamer
19 55 Professional Center
20 Suite H
21 San Rafael, CA 94903

22 Robin Prema Wright, Esq.
23 Wright, Finlay & Zak, LLP
24 4655 MacArthur Court, Suite 280
25 Newport Beach, CA 92660

26 I, declare under penalty of perjury under the laws of the United States that
27 the above is true and correct. Executed on July 1, 2008, at Novato, California.

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SHERRY MENDENHALL